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April 6, 2022

BY HAND DELIVERY

Councilor Michael Ossing, President
Marlborough City Council
City Hall
Marlborough, MA 01752

Re: Proposed Zoning Amendment: Mixed-Use Developments in the NB District

Dear Councilor Ossing:

I represent Alta Marlborough, LLC (Wood Partners), the prospective buyer of several parcels at the corner of Lincoln Street and Mechanic Street located in the Neighborhood Business Zoning District.

As noted in the enclosed letters of authorization, the Marlborough Economic Development Corporation and Koby, Incorporated request, in accordance with M.G.L. c. 40A, Sec. 5, that the City Council consider amending the Zoning Ordinance to authorize the City Council to modify, by special permit, the dimensional, parking, and landscaping requirements applicable to mixed-use development projects in the Neighborhood Business District, as specified in the enclosed Proposed Order. The zoning amendment would give the City Council and developers flexibility to address issues unique to particular sites and projects in the Neighborhood Business District, without the need for a variance from the Zoning Board of Appeals.

Wood Partners' plans for a mixed-use project at the corner of Lincoln Street and Mechanic Street are constrained by some of the zoning requirements applicable in the Neighborhood Business District, which are particularly challenging on a corner lot. We believe that with a few modifications authorized by special permit, Wood Partners may develop a vibrant mixed-use project that is accessible and well-integrated with the neighborhood.

Based upon recent amendments to M.G.L. c. 40A, Sec. 5, we believe this zoning amendment may be approved by simple majority vote of the City Council rather than a two-thirds vote. Under M.G.L. c. 40A, Sec. 5, the following zoning amendments may be approved by simple majority vote:

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“an amendment to a zoning ordinance ... to allow by special permit ... mixed-use development in an eligible location; (b) an increase in the permissible density of population or intensity of a particular use in a proposed multi-family or mixed use development pursuant to section 9 ... or (d) a diminution in the amount of parking required for residential or mixed-use development pursuant to section 9...”

The term “eligible location” is defined in M.G.L. c. 40A, Sec. 1A as:

“areas that by virtue of their infrastructure, transportation access, existing underutilized facilities or location make highly suitable locations for residential or mixed use smart growth zoning districts or starter home zoning districts, including without limitation: (i) areas near transit stations, including rapid transit, commuter rail and bus and ferry terminals; or (ii) areas of concentrated development, including town and city centers, other existing commercial districts in cities and towns and existing rural village districts.”

The proposed zoning amendment would allow, by special permit, mixed use development in the Neighborhood Business Zoning District, which is an area of concentrated development encompassing French Hill and close to Downtown Marlborough. Further, the proposed zoning amendment would allow, by special permit, an increase in the permissible density of population or intensity of the residential and commercial components of mixed-use projects and the diminution in the amount of parking required for mixed-use developments.

Therefore, we believe the zoning amendment qualifies for a reduced quantum of vote under M.G.L. c. 40A, Sec. 5.

Please refer this matter to the Planning Board and take the appropriate steps for review by the City Council.

Thank you for your time and attention to this matter.

Sincerely,



Brian R. Falk

BRF/

Encl.

cc: Client
Arthur P. Bergeron, Esq.

PROPOSED CITY COUNCIL ORDER

ORDERED:

Be it ordained by the City Council of the City of Marlborough that the Code of the City of Marlborough, as most recently amended, be further amended by amending certain provisions of Zoning Ordinance of the City of Marlborough, Massachusetts, Section 650-39, by adding a new paragraph F as follows:

F. The City Council may, by special permit, elect to vary the dimensional, parking, design, and landscaping requirements applicable to a mixed-use development in the Neighborhood Business District upon finding that such change shall result in an improved design and will not nullify or substantially derogate from the intent or purpose of this section (§ 650-39, et seq.). This authority continues subsequent to occupancy.

ADOPTED

In City Council
Order No. 22-

Adopted

Approved by Mayor
Arthur G. Vigeant
Date:

A TRUE COPY
ATTEST:

April 1, 2022

Council President Ossing
Marlborough City Council
City Hall
Marlborough, MA 01752

RE: Lincoln and Mechanic Street Project

Honorable President Ossing and Councilors,

As you know, Marlborough Economic Development Corporation (MEDC) is the owner of several parcels located off Lincoln Street and Mechanic Street in Marlborough, shown on Assessors Map 69 as Parcels 337, 338, 338A, 339, and 339A, all located in the City's Neighborhood Business Zoning District. MEDC hereby authorizes Mirick O'Connell, on behalf of Alta Marlborough LLC, to submit to the City Council for consideration a proposed zoning amendment governing mixed-use development projects in the Neighborhood Business District and to file any land use applications necessary for Alta Marlborough LLC to pursue a mixed-use development project for this site.

Thank you for your time and attention to this matter.

Marlborough Economic Development Corporation

By: 

Name: Meredith Harris

Title: Executive Director

KOBY, INCORPORATED
297 Lincoln Street
Marlborough, MA 01752

March 31, 2022

Councilor Michael Ossing, President
Marlborough City Council
City Hall
Marlborough, MA 01752

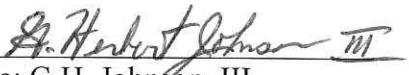
RE: Lincoln and Mechanic Street Project

Dear Councilor Ossing:

Please be advised that the undersigned is the owner of several parcels located off of Lincoln Street in Marlborough, shown on Assessors Map 56 as Parcel 85, and on Assessors Map 69 as Parcels 340, 341, 342, and 343, all located in the City's Neighborhood Business Zoning District. The undersigned hereby authorizes Mirick O'Connell, on behalf of Alta Marlborough LLC, to submit to the City Council for consideration a proposed zoning amendment governing mixed-use development projects in the Neighborhood Business District and to file any land use applications necessary for Alta Marlborough LLC to pursue a mixed-use development project at the properties.

Thank you for your time and attention to this matter.

Koby, Incorporated

By: 
Name: G.H. Johnson, III
Title: President and Treasurer